

ESTTA Tracking number: **ESTTA369894**Filing date: **09/23/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Jackel International Limited		
Entity	company	Citizenship	United Kingdom
Address	Dudley Lane Cramlington Northumberland, NE237RH UNITED KINGDOM		

Attorney information	Jessica Parise Fulbright & Jaworski L.L.P. 666 Fifth Avenue New York, NY 10103 UNITED STATES jparise@fulbright.com, mmutterperl@fulbright.com, mrosenfeld@fulbright.com, hrosenberg@fulbright.com, nyipdocket@fulbright.com Phone:212-318-3397
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**Applicant Information**

Application No	85003358	Publication date	08/24/2010
Opposition Filing Date	09/23/2010	Opposition Period Ends	09/23/2010
Applicant	Admar International Inc 309 Rehoboth Ave Rehoboth Beach, DE 19971 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 010. All goods and services in the class are opposed, namely: Cups adapted for feeding babies and children
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**Grounds for Opposition**

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
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Attachments	SPORTSTER - NOO.pdf ( 4 pages )(56706 bytes )
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**Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jessica parise/
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Name	Jessica Parise
Date	09/23/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No.: 85/003,538  
By: Admar International Inc.  
Filed: March 31, 2010  
Published in the Official Gazette on August 24, 2010  
Mark: SPORTSTER

Jackel International Limited,

Opposer,

v.

Admar International Inc.,

Applicant.

Opposition No. \_\_\_\_\_

NOTICE OF OPPOSITION

Commissioner:

Jackel International Limited (“Jackel” or “Opposer”), a United Kingdom company, having a place of business at Dudley Lane Cramlington, Northumberland NE237RH, United Kingdom, believes that it will be damaged by registration of Admar International Inc.’s (“Admar” or “Applicant”) Application Serial Number 85/003,358 for SPORTSTER, in International Class 10 (“Applicant’s Mark”) and hereby opposes the same.

As grounds for opposition, Jackel states that:

1. Jackel markets and sells high-quality, innovative baby accessories, including bottles, sippy cups, pacifiers and feeding products, throughout the world, including the United States.
2. Jackel is a world-renowned company and leader in the baby accessories industry.
3. Jackel owns many trademarks registered and/or used in connection with its products in numerous countries around the world including the United States.

4. Jackel owns all rights, title and interest in the trademark SPORTSTER to identify a line of sippy cups for children in at least in the United Kingdom.

5. Jackel has used SPORTSTER in the United Kingdom in connection with cups for children, since at least as early as July 2006.

6. Jackel has widely used SPORTSTER on its United Kingdom website, which is accessible from the United States.

7. Jackel has expended resources developing and promoting its trademarks, including SPORTSTER.

8. As a result of Jackel's efforts, consumers have come to recognize Jackel's trademarks as designating Jackel's high-quality and innovative baby products.

9. Jackel is the owner of United States Trademark Application Serial Number 85,136,383, for SPORTSTER for, among other things, cups for babies, infants and children, in Class 10.

10. From 2003 to 2010, Admar and its affiliate company, Luv N' Care Ltd. maintained a contractual business relationship with Jackel.

11. Admar terminated the contractual relationship without cause and has attempted since to trade off the goodwill of Jackel's trademarks, compete unfairly with Jackel and interfere with Jackel's planned expansion into the United States.

12. Despite actual knowledge of Plaintiff's rights and ownership claims in the SPORTSTER trademark, its use in the United Kingdom and its expansion plans into the United States market, Admar copied Jackel's trademark and, on March 31, 2010 filed an application to register SPORTSTER in the PTO claiming an intent to use the SPORTSTER to identify "cups adapted for feeding babies and children."

13. Admar did not adopt and apply with the PTO for Applicant's Mark in good faith for the purpose of using the mark in United States commerce.

14. On information and belief, Admar's sole purpose for adopting and applying with the PTO for Applicant's Mark was to interfere with Opposer's planned expansion into the United States market, including the marketing, promoting and sale in the United States of products using Opposer's SPORTSTER trademark.

15. Admar's bad faith is further illustrated by the fact that it also filed, on the same day, two other trademark applications for marks identical or confusingly similar to Jackel's trademarks: SIP IT UP (Serial No. 85/003,453) and DURA SPOUT (Serial No. 85/003,408). Jackel has simultaneously filed Notices of Opposition against each of the applications.

16. Jackel and Admar are in the same line of business and direct competitors. They target the same customers and same distribution channels.

17. Allowing registration of Applicant's Mark will irreparably damage Opposer at least by preventing the registration of SPORTSTER in the name of Opposer, and interfering with Applicant's planned expansion into the United States and use and enforcement of SPORTSTER in the United States.

18. Allowing registration of Applicant's Mark would unjustly reward Applicant's bad faith and dishonest appropriation and application for registration of SPORTSTER, irreparably damaging Opposer's planned expansion into the United States.

19. Allowing registration of Applicant's Mark would essentially reward Applicant's dishonest and unfair practices, in contravention of at least Article 10 bis of the Paris Convention.

Therefore, registration of Applicant's Mark should be refused.

Date: September 23, 2010

Respectfully submitted,



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*Jackel International Limited*